



Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,441	08/16/2001	Sang Sun Lee	HI-0042	1268
34610 7590 02/04/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
			EXAMINER NGUYEN BA, HOANG VU A	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/930,441

Applicant(s)

LEE, SANG SUN

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8, 9, 11-13, 15-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 8-9, 11-13, 15-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on November 21, 2007.
2. Claims 1-3, 5-6, 8-9, 11-13, 15-17 and 19 remain pending. Claims 1, 8, 11, 16 and 18 are independent claims.

Response to Amendment

3. Per Applicant's request, Claims 1-2, 8-9, 11-12 and 16 have been amended.

Response to Arguments

4. Applicant's arguments in the Remark section filed concurrently with the amendment have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 11, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. ("**Bayrakeri**") in view of U.S. Patent No. 5,805,763 to **Lawler** further in view of U.S. Patent No. 6,018,372 to **Etheredge**, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al. ("**Waterhouse**"), further in view of U.S. Patent No. 5,880,720 to **Iwafune** et al.

("Iwafune") and further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. ("Durden").

Claim 1 (Currently Amended)

The combination Bayrakeri-Lawler-Etheredge-Waterhouse-Iwafune does not explicitly disclose:

~~executing~~ automatically setting environments of the TV based on the transmitted environmental information downloaded to the TV, the automatically setting the environments being performed by an environment changing program,

wherein the transmitted environmental information comprises informational related to channel settings, broadcast reservation settings and screen color settings.

However, in an analogous art, Durden discloses environment control information that is transmitted to a STB in order to adjust TV picture settings (see at least [0005], [0007], [0010]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the Durden's teachings of automatically setting the environmental information transmitted to the TV system with those of the combination Bayrakeri-Lawler-Etheredge-Waterhouse-Iwafune, as this would optimize the viewing of the program presentation.

For the remaining features of Claim 1, see previous Office actions.

Claim 11 (Currently amended)

The combination Bayrakeri-Lawler-Etheredge-Waterhouse-Iwafune does not expressly disclose changing former environments into environments suitable for the viewer's taste *by automatically setting environments of a TV based on the environment information downloaded from the server.*

However, in an analogous art, Durden discloses environment control information that is transmitted to a STB in order to adjust TV picture settings (see at least [0005], [0007], [0010]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the Durden's teachings of automatically setting the environmental information transmitted to the TV system with those of the combination Bayrakeri-Lawler-Etheredge-Waterhouse-Iwafune, as this would optimize the viewing of the program presentation.

For the remaining features of Claim 11, see previous Office actions.

Claim 12 (Currently amended)

For the features of Claim 12, see previous Office actions. As for the feature *by automatically setting the environments*, see Claim 11.

Claim 19

The rejection of base claim is incorporated. For features recited in Claim 19, see previous Office action.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. ("**Bayrakeri**") in view of U.S. Patent No. 5,805,763 to **Lawler** further in view of U.S. Patent No. 6,018,372 to **Etheredge**, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al. ("**Waterhouse**") and further in view U.S. Patent No. 5,734,853 to Hendricks et al. ("**Hendricks**"), further in view of U.S. Patent No. 6,101,180 to Donahue et al. ("**Donahue**"), further in view of U.S. Patent No. 5,880,720 to Iwafune et al. ("**Iwafune**") and further in

view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. (“Durden”).

Claim 2 (Currently Amended)

For the features of Claim 2, see previous Office actions. As for the transmitted environmental information, these transmitted environmental information are taught by Durden at [0005] and [0007].

Claim 3

See previous Office actions.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. (“**Bayrakeri**”) in view of U.S. Patent No. 5,805,763 to **Lawler** further in view of U.S. Patent No. 6,018,372 to **Etheredge**, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al. (“**Waterhouse**”), further in view U.S. Patent No. 5,734,853 to Hendricks et al. (“**Hendricks**”), further in view of U.S. Patent No. 6,101,180 to Donahue et al. (“**Donahue**”), further in view of U.S. Patent No. 6,314,572 to LaRocca et al. (“**LaRocca**”) and further in view of U.S. Patent No. 5,880,720 to Iwafune et al. (“**Iwafune**”), further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. (“Durden”).

Claim 5

See previous Office actions.

9. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. (“**Bayrakeri**”) in view of U.S.

Patent No. 5,805,763 to **Lawler** further in view of U.S. Patent No. 6,018,372 to **Etheredge**, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al. (“**Waterhouse**”), further in view U.S. Patent No. 6,169,543 to Wehmeyer et al. (“**Wehmeyer**”), further in view of U.S. Patent No. 5,880,720 to Iwafune et al. (“**Iwafune**”) and further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. (“**Durden**”).

Claim 16 (Currently Amended)

The combination Bayrakeri-Lawler-Etheredge-Waterhouse-Wehmeyer-Iwafune does not expressly disclose *wherein the controlling means changes former environments by automatically setting TV environments of a TV based on the downloaded environmental information* and wherein the environmental information is *downloaded*.

However, in an analogous art, Durden discloses environment control information that is transmitted to a STB in order to adjust TV picture settings (see at least [0005], [0007], [0010]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the Durden's teachings of automatically setting the environmental information transmitted to the TV system with those of the combination Bayrakeri-Lawler-Etheredge-Waterhouse-Iwafune, as this would optimize the viewing of the program presentation.

For the remaining features of Claim 16, see previous Office actions.

Claim 17

The rejection of base claim is incorporated. For features recited in this claim, see previous Office actions.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. ("Bayrakeri") in view of U.S. Patent No. 5,805,763 to Lawler further in view of U.S. Patent No. 6,018,372 to Etheredge, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al. ("Waterhouse"), further in view U.S. Patent No. 5,734,853 to Hendricks et al. ("Hendricks"), further in view of U.S. Patent No. 6,101,180 to Donahue et al. ("Donahue"), further in view of U.S. Patent No. 5,861,906 to Dunn et al. ("Dunn"), further in view of U.S. Patent No. 5,880,720 to Iwafune et al. ("Iwafune") and further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. ("Durden").

Claim 6

The rejection of base claim is incorporated. For features recited in this claim, see previous Office actions.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. ("Bayrakeri") in view of U.S. Patent No. 5,805,763 to Lawler further in view of U.S. Patent No. 6,018,372 to Etheredge, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al. ("Waterhouse"), further in view U.S. Patent No. 5,861,906 to Dunn et al. ("Dunn"), further in view of U.S. Patent No. 5,880,720 to Iwafune et al. ("Iwafune") and further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. ("Durden").

Claim 9 (Currently Amended)

The rejection of base claim is incorporated. For features recited in this claim, see previous Office actions. As for the transmitted environmental information, these transmitted environmental information are taught by Durden at [0005] and [0007].

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. (“**Bayrakeri**”) in view of U.S. Patent No. 5,805,763 to **Lawler**, further in view of U.S. Patent No. 5,861,906 to **Dunn**, further in view of U.S. Patent No. 6,018,372 to **Etheredge**, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al (“**Waterhouse**”), further in view of U.S. Patent No. 5,880,720 to Iwafune et al. (“**Iwafune**”) and further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. (“Durden”).

Claim 8 (Currently Amended)

The combination Bayrakeri-Lawler-Etheredge-Waterhouse-Iwafune does not explicitly disclose changing former environments into environments suitable for the viewer's taste changing former environments into environments suitable for the viewer's taste *by automatically setting environments of the TV* based on the received environmental information and wherein the environmental information is *received* from the server.

However, in an analogous art, Durden discloses environment control information that is transmitted to a STB in order to adjust TV picture settings (see at least [0005], [0007], [0010]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the Durden's teachings of automatically setting the environmental information transmitted to the TV system with those of the combination Bayrakeri-Lawler-Etheredge-Waterhouse-Iwafune, as this would optimize the viewing of the program presentation.

For the remaining features of Claim 8, see previous Office actions.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. ("Bayrakeri") in view of U.S. Patent No. 5,805,763 to Lawler further in view of U.S. Patent No. 6,018,372 to Etheredge, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al. ("Waterhouse"), further in view U.S. Patent No. 5,734,853 to Hendricks et al. ("Hendricks"), further in view of U.S. Patent No. 5,880,720 to Iwafune et al. ("Iwafune") and further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. ("Durden").

Claim 13

The rejection of base claim is incorporated. For features recited in these claims, see previous Office actions.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,904,610 to Bayrakeri et al. ("Bayrakeri") in view of U.S. Patent No. 5,805,763 to Lawler, further in view of U.S. Patent No. 6,018,372 to Etheredge, further in view of U.S. Patent No. 5,831,663 to Waterhouse et al ("Waterhouse"), further in view of U.S. Patent No. 5,880,720 to Iwafune et al. ("Iwafune", further in view of U.S. Patent No. 5,861,906 to Dunn, further in view of U.S. Patent No. 6,314,572 to LaRocca et al. ("LaRocca") and further in view of U.S. Patent Application Publication No. 2007/0067810 by **Durden** et al. ("Durden").

Claim 15

The rejection of base claim is incorporated. For features recited in this claim, see previous Office actions.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday - Friday from 7:00 – 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist: 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTONY NGUYEN-BA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

January 31, 2008